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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

CALIFORNIA REALTY SERVICES
CORP.,

Plaintiff and Respondent,

v.

BONNIE BRADLEY,

Defendant and Appellant.

G033178

(Super. Ct. No. 02CC10044)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Steven L. Perk, Judge. Affirmed.

Dennis Nelson, attorney for Defendant and Appellant, Bonnie Bradley.

Wendy W. Huang, attorney for Plaintiff and Respondent, California Realty Services Corp., a Nevada Corporation.

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In the accompanying appeal (G032500), we affirm on the merits a judgment against Bonnie Bradley arising out of her guarantying a lease for United Forex, a currency exchange firm founded by her husband. The guaranty, of course, had an attorney fee provision and subsequent to the judgment against her the trial court determined California Realty to be the prevailing party and awarded it \$30,190 in attorney's fees.

This appeal, clearly, is protective: If Bonnie Bradley had *prevailed* in her challenge to the judgment on the merits, she certainly would not want to be stuck with a judgment for the other side's attorney fees against her. The purely protective nature of the appeal is seen in the absence of arguments that go to the attorney fee issue as such. Rather than, say, argue that California Realty was not really the "prevailing party" or that the amount of fees awarded it is unreasonable, Bonnie Bradley has confined her arguments in this proceeding to simply repeating her attack on the merits of the judgment.

We express no opinion as to whether a purely protective appeal of this nature is even necessary, i.e., whether an attorney fee order, otherwise unchallenged, might be void if the judgment on which it was based were reversed on appeal. It is enough to say here that the judgment is not being reversed on the merits, so there is no basis *now* to reverse the attorney fee order. We need only add that respondent shall recover their costs in this proceeding as well.

SILLS, P.J.

WE CONCUR:

ARONSON, J.

IKOLA, J.